

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON DIVISION**

BARRY G. THOMPSON,

Plaintiff,

v.

CIVIL ACTION NO. 3:13-1897

MICHAEL CLARK; SERGENT LAMBERT;  
CORRECTIONAL OFFICER MANMETER;  
CORRECTIONAL OFFICER GOODWIN;  
and OTHER UNKNOWN CORRECTIONAL  
OFFICERS,

Defendants.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the pending motions to dismiss filed by Sergeant Lambert and Officer Goodwin (ECF Nos. 41 and 43) be denied. No objections to the Magistrate Judge's findings and recommendations have been filed.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DENIES** the pending motions to dismiss filed by Sergeant Lambert and Officer Goodwin (ECF Nos. 41 and 43), consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: January 9, 2014

  
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ROBERT C. CHAMBERS, CHIEF JUDGE